

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 06-313 (1) (RHK/RLE)

Plaintiff,

ORDER

v.

Todd Jourdain,

Defendant.

Before the Court is Defendant's Motion to Correct a Clerical Error Pursuant to Rule 36 of the Federal Rules of Criminal Procedure (Doc. No. 77) in which he alleges:

Defendant was sentenced by this Court. In the oral pronouncement, the judge ordered that restitution be paid by both the Defendant and his codefendant. The judge ordered that half the restitution be paid by the Defendant and half by the codefendant.

The Court has reviewed the file and concludes that Defendant is mistaken as to what was said by the Court at sentencing. The Court's own notes make it clear that the restitution was ordered "jointly and severally." This is in accord with the written recommendation of the Probation Office. In addition, at the request of the undersigned, the Court reporter has reviewed her notes of the proceeding and confirmed that the Court "ordered the restitution jointly and severally" in the amount of \$4,994.32.

Based on the foregoing, and upon all the files, records and proceedings herein, **IT IS ORDERED** that Defendant's Motion to Correct a Clerical Error Pursuant to Rule 36 of the Federal Rules of Criminal Procedure (Doc. No. 77) is **DENIED**.

Dated: January 6, 2010

s/Richard H. Kyle

RICHARD H. KYLE

United States District Judge